

REMARKS

Summary of the Office Action

In the Office Action, claims 5-7 and 12-13 now stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 4,334,699 to *Patzelt* in view of U.S. Patent No. 4,148,503 to *Shiratori*.

Claims 8-11 and 14-17 now stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Patzelt* and *Shiratori* in view of U.S. Patent No. 6,753,057 to *Gardner*.

Summary of the Response to the Office Action

Applicant proposes amending claims 7 and 12. Accordingly, claims 5-17 are pending for further consideration.

All Claims are Allowable

In the Office Action, claims 5-7 and 12-13 now stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 4,334,699 to *Patzelt* in view of U.S. Patent No. 4,148,503 to *Shiratori*. Claims 8-11 and 14-17 now stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Patzelt* and *Shiratori* in view of U.S. Patent No. 6,753,057 to *Gardner*.

Applicant respectfully traverses the rejection of claims 5-17 for the following reasons.

With regard to independent claim 7, Applicant respectfully asserts that *Patzelt*, *Shiratori* and *Gardner*, viewed either singly or in combination, fail to teach or fairly suggest an airbag cover having a tear seam, wherein, “the at least one convex segment of the first end segment comprises an upper convex segment and a lower convex segment meeting to form a valley at the intersection of the first end segment with the transverse segment, the valley is formed such that an outermost point of the at least one convex segment of the first end segment is disposed at a greater distance from the intersection of the first end segment with the transverse segment, and the at least one convex segment of the second end segment comprises an upper convex segment and a lower convex segment meeting to form a valley at the intersection of the second end segment with the transverse segment, the valley is formed such that an outermost point of the at

least one convex segment of the second end segment is disposed at a greater distance from the intersection of the second end segment with the transverse segment,” as recited in independent claim 7, as amended.

Support for these features recited in independent claim 7 can be found at least in paragraphs 11-23 of the original specification, and in Figs. 2 and 4 of the original drawings. Specifically, as illustrated in Fig. 2, the present invention provides an airbag cover 20 having a tear seam 30. The tear seam may include a transverse segment 32 having a width extending beyond a perimeter of an underlying airbag door 20. The tear seam may further include a first end segment 34 and a second end segment 36 opposing one another, with the transverse segment extending between and intersecting each of the first end segment and the second end segment at locations 38 which are distal from the perimeter of the underlying airbag door. The first end segment 34 and second end segment 36 may also each include at least one convex segment proximal the intersection of the first end segment with the transverse segment.

As shown in Fig. 2, the convex segment of the first end segment may include an upper convex segment 60 and a lower convex segment 64 meeting to form a valley 68 at the intersection 38 of the first end segment 34 with the transverse segment 32. As clearly shown in Fig. 2, the valley is formed such that an outermost point 48 of convex segment 60 (or 64) of the first end segment 34 is disposed at a greater distance from the intersection 38 of the first end segment 34 with the transverse segment 32.

Likewise, the convex segment of the second end segment may include an upper convex segment 60 and a lower convex segment 64 meeting to form a valley 68 at the intersection 38 of the second end segment 36 with the transverse segment 32. As also clearly shown in Fig. 2, the valley is formed such that an outermost point 48 of the convex segment 60 (or 64) of the second end segment 36 is disposed at a greater distance from the intersection 38 of the second end segment 36 with the transverse segment 32.

The Office action cites *Patzelt*, *Shiratori* and *Gardner* as teaching or suggesting the invention as recited in claims 5-17.

Specifically, as noted in the Office Action, *Patzelt* and *Gardner* have been cited for respectively disclosing an airbag cover having a H-shaped tear seam, and a tear seam being formed of laser in a continuous or discontinuous manner. Further, as correctly noted in the Office Action, *Patzelt* fails to teach or suggest the particular shape of each segment of the tear seam and its interconnection, as recited in claims 5-17.

In this regard, the Office Action cites *Shiratori* as overcoming the noted deficiency in the teachings of *Patzelt*.

Shiratori, as illustrated in Fig. 3 thereof (reproduced below), clearly discloses an airbag cover having a tear seam including a transverse segment, and opposing mirror image convex segments. As clearly illustrated in Fig. 3 of *Shiratori*, the convex segments intersect with the transverse segment with the outermost point of the convex segments corresponding to the intersection point.

In other words, *Shiratori* clearly does not disclose the convex segments intersecting with the transverse segment to form a valley.

For example, as clearly discussed above with reference to Fig. 2 of the present invention (reproduced at right), the convex segment of the first end segment may include an upper convex segment 60 and a lower convex segment 64 meeting to form a valley 68 at the intersection 38 of the first end segment 34 with the transverse segment 32. As clearly shown in Fig. 2, the valley is formed such that an outermost point 48 of convex segment 60 (or 64) of the first end segment 34 is disposed at a greater distance from the intersection 38 of the first end segment 34 with the transverse segment 32.

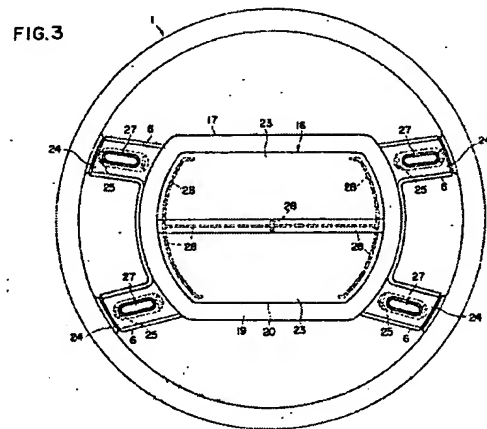


Fig. 3 of *Shiratori*

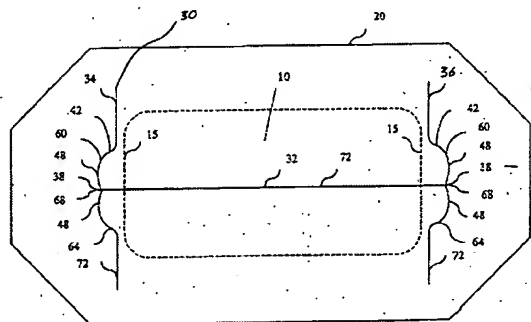


Fig. 2

Fig. 2 of 10/613,265

Likewise, the convex segment of the second end segment may include an upper convex segment 60 and a lower convex segment 64 meeting to form a valley 68 at the intersection 38 of the second end segment 36 with the transverse segment 32. As also clearly shown in Fig. 2, the valley is formed such that an outermost point 48 of the convex segment 60 (or 64) of the second end segment 36 is disposed at a greater distance from the intersection 38 of the second end segment 36 with the transverse segment 32.

Thus *Shiratori* (as well as *Patzelt* and *Gardner*) clearly fail to teach or fairly suggest an airbag cover having a tear seam, wherein, “the at least one convex segment of the first end segment comprises an upper convex segment and a lower convex segment meeting to form a valley at the intersection of the first end segment with the transverse segment, the valley is formed such that an outermost point of the at least one convex segment of the first end segment is disposed at a greater distance from the intersection of the first end segment with the transverse segment, and the at least one convex segment of the second end segment comprises an upper convex segment and a lower convex segment meeting to form a valley at the intersection of the second end segment with the transverse segment, the valley is formed such that an outermost point of the at least one convex segment of the second end segment is disposed at a greater distance from the intersection of the second end segment with the transverse segment,” as recited in independent claim 7, as amended.

As pointed out in M.P.E.P. § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art”. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). Since this criterion has not been met, Applicant respectfully asserts that the rejection under 35 U.S.C. § 103 (a) should be withdrawn because *Patzelt*, *Shiratori* and *Gardner* do not teach or suggest each feature of independent claim 7, as amended.

In view of the above arguments, Applicant respectfully requests the rejection of independent claim 7 under 35 U.S.C. § 103 be withdrawn. Additionally, claims 5, 6 and 8-11, which depend from independent claim 7, are allowable because their base claim is allowable as well as for the additional features recited therein.

Independent claim 12

With regard to independent claim 12, Applicant respectfully asserts that *Patzelt, Shiratori* and *Gardner*, viewed either singly or in combination, fail to teach or fairly suggest an airbag cover having a tear seam, wherein, “the at least one convex segment of the first end segment comprises an upper convex segment and a lower convex segment meeting to form a valley at the intersection of the first end segment with the transverse segment, the at least one convex segment of the second end segment comprises an upper convex segment and a lower convex segment meeting to form a valley at the intersection of the second end segment with the transverse segment, and the valleys are formed such that respective outermost points of the at least one convex segment of the first and second end segments are disposed at a greater distance from the intersection of the first and second end segments with the transverse segment,” as recited in independent claim 12, as amended.

Applicant respectfully asserts that independent claim 12 is allowable for at least the reasons presented above for the allowance of independent claim 7, and the additional features recited therein. In the interest of avoiding redundant arguments, the specific reasons for the allowance of independent claim 12 are not repeated herein. Additionally, claims 13-17, which depend from independent claim 12, are allowable because their base claim is allowable as well as for the additional features recited therein.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 04-2223. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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